

Constitution of the State of Texas, providing for the construction of a System of State Highways; reimbursing outlays and assuming and/or discharging obligations made by counties and Defined Road Districts of the State therefor; providing for the extension of the credit of the State therefor, and authorizing the levying and collecting of taxes on the sale of gasoline or other substances or agencies or other source of power used for propelling, or as fuel for motor vehicles, reserving one-fourth thereof to the Public Free School Fund; and the assessing of a reasonable motor vehicle license fee; expressly providing that the indebtedness so created shall never become a no tax shall be levied, assessed or charge against, or a lien upon, and collected, either directly or indirectly, on any homes, farms, ranches, or other real estate, or on any other property of any kind or character, real or personal, within this State except on gasoline or other substances or agencies, or other sources of power, used for propelling or as fuel for motor vehicles, and the assessing of a reasonable motor license fee."

Sec. 4. The Governor of this State is hereby directed to issue the necessary proclamation, ordering an election to determine whether or not the proposed Constitutional amendments, set forth herein shall be adopted and to have the same published, as required by the Constitution and Laws of this State. And the sum of Five Thousand \$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury, not otherwise appropriated to defray the expense of printing said proclamation and holding said election.

FIFTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
April 3, 1931.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Prayer by the Chaplain of the House, Rev. Holt.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix).

Committee Reports.

(See Appendix).

Message From The House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, April 3 1931.

Hon. Edgar E. Witt President of the Senate.

Sir:: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 335 A bill to be entitled "An Act to amend Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended at the Second Called Session thereof, so as to further regulate motor carriers transporting property over the public highways, etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 981.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 981, A bill to be entitled "An Act to empower cities having a population of not less than twenty-seven thousand (27,000) nor more than twenty-eight thousand (28,000) inhabitants, as shown by the preceding Federal census to encumber any one or more of its gas, water, light, or sewer systems, the income thereof and everything pertaining thereto or any part thereof, and by the terms of such encumbrance to grant to the purchaser under any sale or foreclosure under such encumbrance a franchise to operate said encumbered system or systems for not over twenty years after such purchase, etc., and declaring an emergency."

The committee report, carrying amendments, was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 981 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Loy.
Berkeley.	Martin.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.

Russek.	Williamson.
Small.	Woodruff.
Stevenson.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Pollard.

House Bill Referred.

H. B. No. 335 referred to Committee on Highways and Motor Traffic.

S. J. R. No. 13.

The Chair laid before the Senate as pending business the following resolution:

By Senator DeBerry, et al:

Joint Resolution No. 13 proposing to amend the Constitution of the State of Texas so as to provide that no State-wide ad valorem tax on property shall be levied or assessed for any purpose after January 1, 1933; but thereafter such ad valorem taxes on property may be levied only for local purposes by counties, cities or towns or school districts or road districts or other sub-divisions of the State, on such property at its fair cash market value.

The resolution was lost by the following vote:

Yeas—17.

Beck.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Purl.
Hornsby.	Russek.
Loy.	Woodward.
Martin.	

Nays—12.

Berkeley.	Rawlings.
Cousins.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Moore.	Williamson.
Poage.	Woodul.

(Pair Recorded.)

Senator Woodruff (present) who would vote nay, with Senator Pollard (absent) who would vote yea.

(Two-thirds Vote Required.)

Reason For Vote.

I vote "no" on S. J. R. No. 13 for the reason that no method of providing the State with the revenue

necessary to support the State government and the public schools has been advanced. I would be glad to see the ad valorem tax abolished if I knew where and how the State could be supported from other sources, but I am unwilling to leave our State and our Schools without any certain source of support. We are at this time faced with a reduction in our School funds and the general support of government and should this amendment be adopted we would be faced with a deficit so great that we would not know where to turn.

Were our present laws enforced and all property placed on the tax rolls the ad valorem tax would not be an unfair tax. I now have pending a bill which will, if passed, place most of this property now escaping taxation, on the roll.

POAGE.

Reason For Vote.

I paired with Senator Pollard showing that I would vote "No" on S. J. R. No. 13 for the reason that the condition of the State's finances at this time make such a radical departure in raising revenues would be disastrous to the State and to economic conditions. I favor a gradual shift from the ad valorem to other forms of taxation for State purposes.

WOODRUFF.

Simple Resolution No. 98.

Senator Rawlings sent up the following resolution:

Whereas, the time set aside by the Constitution for the Regular Session of the Forty-second Legislature is rapidly nearing the end; and

Whereas, there are many bill of a local and non-controversial nature pending before the Senate, and

Whereas, the passage of these bills is being prevented by debate and discussion of major bills of a controversial nature, and

Whereas, it is feared the time remaining will not permit full discussion and passage of all of such measures; therefore

Be It Resolved that it is the sense of this body that beginning Monday, April 6th, three nights each week be set aside, to-wit, Monday, Wednesday, and Friday starting at eight o'clock P. M., for the disposition of

local and non-controversial bills; and

Be It Further Resolved it is the sense of this body that during said evening sessions, the President of the Senate shall call the bills as they now appear on the Calendar and, if any objection develops to such bills, they shall be placed back on the Calendar in regular order, otherwise the Senate shall proceed with the disposition thereof as they are called, thereby expediting the passage of many important measures about which there is no controversial measures, which procedure is now being prevented by reason of the position of these bills on the Calendar.

RAWLINGS.

The resolution was read.

Senator Honrsby moved to refer the resolution to the Committee on State Affairs.

The motion prevailed.

S. J. R. No. 1.

Senator Honrsby called up from the table the following resolution:

By Senator Hornsby:

S. J. R. No. 1,

A Senate Joint Resolution to provide for a Convention to frame a new Constitution for the State of Texas.

The committee report was adopted. Read second time.

Recess.

On motion of Senator Woodward, the Senate at 11:53 o'clock a. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Edgar E. Witt.

Special Order Set.

On motion of Senator Rawlings, S. B. No. 180 was set as special order for next Friday morning immediately following the morning call.

S. J. R. No. 26.

The Chair laid before the Senate by unanimous consent, on its third reading the following resolution:

By Senator Holbrook:

S. J. R. No. 26, Proposing an amendment to the State Constitution providing that the Permanent University Fund shall not be invested in bonds or obligations and pledges issued by the Board of Regents of the University of Texas; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means, and manner thereof; and making an appropriation for such purpose.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Senate Bill No. 393.

The Chair laid before the Senate by unanimous consent the following bill:

By Senators Stevenson, Purl, Woodul:

S. B. No. 393, A bill to be entitled "An Act providing that the policyholders of insurance companies, which are home companies as defined by the laws of Texas, may purchase and own the capital stock of such companies; and convert such companies into mutual insurance companies to be controlled by their policyholders and requiring the approval of the plan for such conversion by the chairman of the State Board of Insurance Commissioners and directors and stockholders as well as the policyholders of such companies, and declaring an emergency."

The committee report carrying an amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 393 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

S. J. R. No. 1.

The question recurred on S. J. R. No. 1.

The resolution failed to pass to engrossment by the following vote:

Yeas—11.

Beck.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Neal.	Williamson.
Parr.	Woodul.
Parrish.	

Nays—12.

Berkeley.	Moore.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Hopkins.	Rawlings.
Loy.	Woodward.
Martin.	

Absent.

Cousins.	Russek.
Greer.	Woodruff.
Hardin.	

(Pair Recorded.)

Senator Oneal (present) who would vote nay, with Senator Patton (absent), who would vote yea.

Senate Bill No. 63.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 63, A bill to be entitled "An Act to amend Article 1839, Chapter 3, Title 39, of the Revised Civil Statutes, so as to fix the time for filing the transcript in the Court of Civil Appeals and providing for an extension of such time for cause shown, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 63 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton.	Pollard.
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Read third time and finally passed.

Senate Bill No. 64.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 64, A bill to be entitled "An Act to amend Article 2246, Chapter 11, Title 42, of the Revised Civil Statutes, fixing the time for filing statements of facts and bills of exception, and providing for the extension of time where good cause is shown, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 64 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton.	Pollard.
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Read third time and finally passed.

Senate Bill No. 59.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 59, A bill to be entitled "An Act to amend Articles 2239 and 2242 of the Revised Statutes so as to permit the filing of Statements of Fact in duplicate, either in narrative or question and answer form, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 59 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton. Pollard.

Read third time and finally passed.

Senate Bill No. 60.

The Chair laid before the Senate as special order the following bill:

S. B. No. 60, A bill to be entitled "An Act to amend Articles 1847 and 1848 Chapter 3, Title 39, of the Revised Statutes, so as to provide for the filing of records in the order received, for setting the cases for submission, and the notification of parties of the receipt and the date set for hearing and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 60 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton. Pollard.

Read third time and finally passed.

Senate Bill No. 61.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 61, A bill to be entitled "An Act to amend Article 1845, Chapter 3, Title 39, so as to dispense with the necessity of a file docket, and providing for docketing all causes on the trial docket, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 61 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton. Pollard.

Read third time and finally passed.

Senate Bill No. 67.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 67, A bill to be entitled "An Act to extend the period of limitation because of filing of any action in the wrong court, unless opposite party shows intentional disregard of jurisdiction, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 67 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton.	Pollard.
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Read third time and finally passed.

Senate Bill No. 65.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 65, A bill to be entitled "An Act to amend Article 1844 and 2281 of the Revised Statutes so as to allow assignments of error and cross assignments of error in briefs instead of the record, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 65 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton.	Pollard.
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Read third time and finally passed.

Senate Bill No. 69.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 69, A bill to be entitled "An Act to extend time for filing findings in fact and conclusions of law and in such respect to amend Revised Statutes Article 2247, and declaring an emergency."

The committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 69 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton.	Pollard.
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Read third time and finally passed.

Senate Bill No. 68.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 68, A bill to be entitled "An Act saving amendments from limitation and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 68 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton.	Pollard.
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Read third time and finally passed.

Senate Bill No. 94.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 94, A bill to be entitled "An Act to amend Article 2211 Revised Civil Statutes of 1925 by Incorporating therein a proviso Empowering the Trial Court upon motion and reasonable notice (1) to render judgment non obstante veredicto where a directed verdict would have been proper; and (2) to disregard any special issue jury finding having no support in the evidence; repealing all conflicting laws and parts of laws; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 94 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.

Thomason.	Woodul.
Williamson.	Woodward.
Woodruff.	

Absent—Excused.

Patton.	Pollard.
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Read third time and finally passed.

Senate Bill No. 95.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 95. A bill to be entitled "An Act to amend Article 2190 Revised Civil Statutes of 1925 by adding the words "and evidence" at the end of the first sentence; changing the word "testimony" to "evidence" in the last sentence; adding to the last sentence the words "regardless of whether the submission of such issue was requested by the complaining party;" repealing all conflicting laws and parts of laws, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 95 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton.	Pollard.
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Read third time and finally passed.

Resolution Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of

the Senate, after its caption had been read, the following resolution:

H. C. R. No. 48.

Senate Bill No. 306.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Martin:

S. B. No. 306, A bill to be entitled "An Act amending Article 1881 of the Revised Civil Statutes of Texas, 1925."

The bill was read second time and passed to engrossment.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 306 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Patton. Pollard.

Read third time and finally passed.

Senate Bill No. 249.

Senator Stevenson called up from the table the following bill:

By Senators Stevenson and Parrish:

S. B. No. 249, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or slaughter of cattle in this State, shall file a bond to be approved by the county judge of the county in which he desires to carry on such business setting out the terms of said bond and providing penalties for violation thereof, and

repealing all laws in conflict herewith, and declaring an emergency."

By unanimous consent, it was agreed that all counties to be exempt from the provisions of the bill be added to the pending amendment, which, in revised form, read as follows:

Amend S. B. No. 249, Page 5, line 10 of the printed bill as follows: By striking out the 'period' after the word 'Act' substitute a semi-colon therefore and add the following:

"And provided further that the provisions of this Act shall not apply to the Counties of Hunt, Collins, Rains, Rockwall, Red River, Lamar, Delta, Hopkins, Franklin, Fayette, Austin, Lavaca, Colorado, Waller, Grayson, Cooke, Fannin, Erath, Coryell, Hamilton, Bosque, Bell, Dallas, Tarrant, McLennon, Falls, Milam, Limestone, Bexar, Gonzales, Guadalupe, Caldwell, Comal, Blanco, Hays, Anderson, Freestone, Henderson, Kaufman, Navarro, Robertson, Brazos, Burleson, Washington, Lee, Bastrop, Denton, Wise, Montague, Jack, Parker, Palo Pinto, Hill, Johnson, Ellis, Hood, Somerville, Travis, Williamson, Burnet, Lampasas, San Saba, Wichita, Clay, Young, Wilbarger, Hardin, Ford, Harris, Eastland, Callahan, Taylor, Nolan, Mitchell, Scurry, Jones, Fisher, Shackleford, Stephens, Haskell, Throckmorton, Kendall, Kerr, Bandera, Ellis, Panola, Shelby, Rusk, Harrison, Gregg, Chambers, Garrison, Brazoria, Matagorda, Wharton, Ft. Bend, Lubbock, Crosby, Bailey, Lamb, Hale, Floyd, Hockley, Motley, King, Cochran, Kent, Stonewall, Dickens, Gaines, Howard, Martin, Andrews, Terry, Garza, Lynn, Borden, Cottle, Yoakum, Llano."

MOORE.

Read and adopted.

Senator Rawlings raised the point of order that the bill was unconstitutional because its application was obviously limited to certain counties. (Constitution, Sec. 23, Art. 16.)

The Chair, Lieutenant Governor Edgar E. Witt, declined to rule on the constitutionality of the bill, holding, however, that under the established precedent with reference to such bills he must overrule the point of order.

Senator Purl raised the point of order that this bill was a revenue raising measure and must originate in the House.

The Chair overruled the point of order.

Senator Moore sent up the following amendments:

Amend S. B. No. 249, page 3, line 1 of the printed bill as follows: by adding a new section to be known as section 3-a:

"Section 3-a: All fees collected by any sheriff, deputy sheriff, constable, deputy constable or magistrate shall be reported by such officer and shall be accounted for as fees of office."

MOORE,
DEBERRY.

Read and adopted.

Amend S. B. No. 249, page 3, by adding the word "surety" between the "a" and the word "bond," in line 5.

MOORE.

Read and adopted.

Amend S. B. No. 249, page 5, between lines 15 and 16, and add a new section as follows:

Section 12-a: In the event that any section of this Act is declared invalid it shall invalidate the entire Act.

MOORE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 249 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—1.

DeBerry.

Absent—Excused.

Patton.

Pollard.

Read third time and finally passed.

Senate Bill No. 173.

The Chair laid before the Senate on its third reading the following bill:

By Senators Holbrook and Williamson:

S. B. No. 173, A bill to be entitled "An Act to provide an old age relief system for resident citizens over the age of seventy years, providing for the administration of the system, through the county commissioners' courts of the various counties in the State and permitting the payment of the old age relief and the expense of the administration from the general revenue of the county of which the applicant is a resident."

Read third time.

Senator Purl sent up the following amendment:

Amend S. B. No. 173 by adding a new section to be designated as section 9, to read as follows:

Provided that every applicant under the provisions of this act shall show by satisfactory evidence that he has been an American citizen for at least 15 years.

PURL.

Read and adopted unanimously.

The Chair received unanimous consent to be recorded as voting "yea" on the amendment.

The bill was finally passed.

Senate Bill No. 153.

Senator Woodul called up from the table the following bill:

By Senators Woodul and Williamson:

S. B. No. 153, A bill to be entitled "An Act amending Article 287 of the Penal Code of the State of Texas of 1925 as amended by Chapter 139 of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to repeal that portion of the State Law prohibiting the operation of moving picture shows and theaters on Sunday in this State in any incorporated city or town after nine p. m. employing the City Council or City Commissioners of such cities or towns by proper ordinance

to prohibit or regulate the keeping open or showing of such moving picture shows or theaters on Sunday; providing that should any part or portion of this Act be declared unconstitutional by a court of the last resort in this State, it shall not affect the remainder of the Act, and declaring an emergency."

Read second time and passed to engrossment by the following vote:

Yeas—15.

Beck.	Poage.
Berkeley.	Purl.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Woodul.
Parr.	Woodward.
Parrish.	

Nays—7.

Cunningham.	Oneal.
DeBerry.	Rawlings.
Loy.	Woodruff.
Neal.	

Absent.

Cousins.	Martin.
Greer.	Russek.
Hopkins.	Small.

Absent—Excused.

Pollard.

(Pair Recorded.)

Senator Moor (present) who would vote nay, with Senator Patton (absent) who would vote yea.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 153 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hopkins.	Woodruff.
Hornsby.	Woodul.
Loy.	Woodward.
Moore.	

Nays—2.

Oneal.	Rawlings.
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Absent.

Greer.	Russek.
Martin.	Small.

Absent—Excused.

Patton.	Pollard.
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(Pair Recorded.)

Senator Moore (present) who would vote nay, with Senator Patton (absent) who would vote yea.

Read third time and finally passed by the following vote:

Yeas—15.

Beck.	Parrish.
Berkeley.	Poage.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hopkins.	Woodul.
Loy.	Woodward.
Parr.	

Nays—8.

Cunningham.	Oneal.
DeBerry.	Purl.
Hornsby.	Rawlings.
Neal.	Woodruff.

Absent.

Cousins.	Russek.
Greer.	Small.
Martin.	

Absent—Excused.

Pollard.

(Pair Recorded.)

Senator Moore (present) who would vote nay, with Senator Patton (absent) who would vote yea.

Senate Bill No. 483.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Neal:

S. B. No. 483, A bill to be entitled "An Act to create a temporary commission to inquire into and report upon the number, distribution, and condition of crippled children and physically disabled persons throughout the State, to recommend means more adequately to meet their needs, and making an appropriation therefor; and declaring an emergency."

Read second time.

Senator Poage sent up the following amendment:

Amend S. B. No. 483 by striking out everything after the enacting clause and insert in lieu thereof the following:

There is hereby appropriated out of the funds in the State Treasury not otherwise heretofore appropriated the sum of thirty thousand dollars for the support and care of crippled children and to pay for treating of their defects, said sum to be paid in two yearly installments of of \$1,500.00 each beginning with the next fiscal year. Said sum shall be expended at the discretion of the superintendent of the State Home at Corsicana.

POAGE.

The amendment was read.

Senator Purl raised the point of order that the amendment was out of order because it changed the purpose of the bill in violation of Article 3, Section 30, of the Constitution of Texas.

The Chair, President Pro Tem Hardin, sustained the point of order.

Senator Poage raised the point of order that this bill was out of order because it made an appropriation and had not been referred to the Committee on Finance.

The Chair overruled the point of order.

Senator Moore sent up the following amendment:

Amend S. B. No. 483, page 2, lines 4, 5 and 6, by striking out same and insert in lieu thereof the following:

"Costs of such care. Said Commission shall be authorized to hold hearings in any city in this State where they may desire."

MOORE.

The amendment was read and adopted.

Senator Holbrook moved to re-refer the bill to the Committee on Finance.

Senator Moore moved to table the motion.

Senator Purl moved the previous question on the motion to table the motion to re-refer. The previous question was ordered by the following vote:

Yeas—17.

Beck.	Loy.
Berkeley.	Moore.
Gainer.	Neal.
Hardin.	Oneal.

Parr.
Parrish.
Purl.
Rawlings.
Small.

Williamson.
Woodruff.
Woodul.
Woodward.

Nays—7.

Cunningham.
DeBerry.
Holbrook.
Hopkins.

Hornsby.
Poage.
Stevenson.

Absent.

Cousins.
Greer.
Martin.

Russek.
Thomason.

Absent—Excused.

Patton.

Pollard.

The motion to table prevailed by the following vote:

Yeas—17.

Beck.
Berkeley.
Gainer.
Hardid.
Loy.
Moore.
Neal.
Oneal.
Parr.

Parrish.
Purl.
Rawlings.
Small.
Williamson.
Woodruff.
Woodul.
Woodward.

Nays—7.

Cunningham.
DeBerry.
Holbrook.
Hopkins.

Hornsby.
Poage.
Stevenson.

Absent.

Cousins.
Greer.
Martin.

Russek.
Thomason.

Absent—Excused.

Patton.

Pollard.

Senator Parrish sent up the following amendment:

Amend Section One by striking out in line One "a temporary Commission is hereby created," and adding in lieu thereof the Governor of the State of Texas is authorized to appoint a citizen of the State of Texas, and striking out all of Section Two and strike out in Section Three all of lines One and Two, and the words may be need in line three, and the word "It" in line three, and substitute for the word "It" "the person"

and strike out all of line one and the words transaction of its business in line two, page two, and strike out the word "It" in line two and substitute "the person" and strike out line four beginning with the word said, the remainder of Section three, and strike out all of Section four, and strike out the word Cimmission in line one Section five, and substitute the word "person" and strike out the words and figures Fifteen Thousand in line one, Section six, and substitute the words and figures fifteen hundred, and strike out in line fourteen and fifteen in Section six and substitute fifteen hundred.

PARRISH.

The amendment was read.

Senator Moore raised the point of order that the amendment was not in proper form.

The Chair. Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Purl sent up the following amendment.

Amend S. B. No. 483 by striking out \$7,500.00 wherever it accurs and substitute \$75,000.00 each year.

PURL.

The amendment was read.

Senator Parrish raised the point of order that the amendment was not in proper form.

The Chair sustained the point of order.

Senator Purl sent up the following amendment:

Amend S. B. No. 483 page 2, by striking out \$15,000.00 wherever it occurs and substitute in lieu thereof the sum of \$7,500.00 for each year.

PURL.

The amendment was read and adopted.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 483 by striking out the word "seven" in line 26 and insert the word "five" and add after the word members the following: "Two of whom shall be orthopedic surgeons."

DeBERRY.

The amendment was read.

On motion of Senator Parr, the previous question was ordered on the further consideration of the amendment and bill.

The amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 483 was put on its third reading and final passage by the following vote:

Yeas—21.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

Holbrook.

Absent.

Cousins.	Russek.
Greer.	Stevenson.
Hopkins.	Woodruff.
Martin.	

Absent—Excused.

Patton.

Pollard.

Read third time and finally passed by the following vote:

Yeas—19.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Small.
Hardin.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—2.

Holbrook.

Hornsby.

Absent.

Cousins.	Martin.
Greer.	Russek.
Hopkins.	Woodruff.

Absent—Excused.

Patton.

Pollard.

(Pair Recorded.)

Senator Poage (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

Adjournment.

On motion of Senator Gainer, the Senate, at 5:23 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.**Committee On Engrossed Bills.**

Committee Room,
Austin, Texas, April 3, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 26 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 235 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 430 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 276 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 289 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 3, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 490 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 298 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 3, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 426 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 275 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 3, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 45 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 570 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 3, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 572 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 3, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

H. B. No. 688, A bill to be entitled "An Act authorizing and directing the State Auditor and Efficiency Expert to immediately begin an audit of the affairs, accounts, books, contracts and employees of the State Highway Department, and making an appropriation out of the funds belonging to the Said Highway Department for the purpose of paying the employees necessary to carry out the provisions of this Act in the sum of \$12,900.00, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,
Austin, Texas, April 3, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 187, A bill to be entitled "An Act defining unfair discrimination and prohibiting any person, firm, company, association or corporation engaged in the production, manufacture, sale or distribution of any commodity in general use in this State, from discriminating between different sections, communities, incorporated cities or towns of this State, for the purpose of destroying the business of competitor in the locality, or for the purpose of fixing, maintaining, increasing or reducing the price of such commodity by selling or distributing such commodity, or permitting the sale or distribution of such commodity at a different rate or price in one section, community, incorporated city

or town, than is charged or permitted to be charged for said commodity by said party in another section, community, incorporated city or town, after making due allowance for the difference, if any, in the grade or quality, in the actual and necessary cost of transportation paid by the seller or distributor of said commodity and the reasonably necessary difference, if any, in the cost of marketing said commodity; making certain facts prima facie evidence of unfair discrimination; providing punishment, penalty and forfeiture for unfair discrimination as defined in said Act, making it the duty of the Attorney General or the District or County Attorney under his direction, to prosecute for the recovery of penalties and forfeitures herein provided, fixing the venue of said suits, and fixing fees of District or County Attorneys therein; providing that unfair discrimination shall be enjoined at the suit of the Attorney General, or District or County Attorney, acting under his direction in the District Court of any county of the State of Texas; providing that this Act shall be cumulative of all laws of this State, and shall not be construed as repealing any law relating hereto; providing that if any portion of this Act shall be declared unconstitutional, the remaining portions thereof shall not be affected thereby; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

SMALL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 187 by adding the word "Grade" in line 22, page 2, of the printed bill, the following: "comma 'quantity' comma."

Committee Amendment No. 2.

Amend S. B. No. 187 by adding at the end of Section 1 the following:

"Provided, however, that any price made by any such person, firm, company, association or corporation, foreign or domestic, for the sale of any commodity pursuant to an order by any municipality or other political subdivision or agency of the

State authorized by law to fix such price, shall not come within the foregoing provisions; provided, further that any price of any commodity made by any such person, firm, company, association or corporation, foreign or domestic, for the purpose of meeting in good faith, but not for lowering, the price of a bona fide competitor for a similar commodity in a given locality shall not come within the provisions hereof."

Committee Room,

Austin, Texas, April 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 547, A bill to be entitled "An Act imposing a privilege tax on persons producing natural gas as defined in this Act, including persons importing gas who sell the same in intrastate commerce within this State; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute do pass in lieu thereof.

MOORE Chairman.

Committee Room.

Austin, Texas April 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 550, A bill to be entitled "An Act amending Chapter Three, Title 51, of the Revised Civil Sta-

tutes of Texas, 1925, by adding Articles 3202-a and 3202-b, providing for the payment, by the guardians or other persons legally liable, for the support and maintenance of children maintained and supported in certain state institutions and schools of Texas; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments.

MOORE, Chairman.

Amend Senate Bill No. 550 by adding new Section as follows:

Section 6. Should any part or parts of this Act be declared invalid, it is hereby declared to be the legislative intent that the remaining portions will be effective without said invalid parts.

Committee Room,

Austin, Texas, April 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 741, A bill to be entitled "An Act amending Article 7122, Revised Civil Statutes, 1925, as amended by the Acts of the 40th Legislature, Regular, Session, Chapter 62, Section 2, Page 87, etc., etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

In Memory
of
Mrs. Allie Nash Young

Simple Resolution No. 97.

Senator Greer sent up the following resolution:

WHEREAS, on the second day of April, 1931, an all wise Providence called to her Heavenly home, Allie Nash Young, the beloved wife of Hon. James Young of Kaufman County, former member of Congress from Kaufman County, and

WHEREAS, the passing of this noble woman whose high character and gracious personality endeared her to all with whom she came in contact, from this vale of shadow and sunshine into a life of eternal happiness, is an irreparable loss that the people of Kaufman County and Texas share with her bereaved family and friends, therefore.

BE IT RESOLVED that the Senate of the State of Texas, out of regard of memory of this good woman expresses its deepest regret at her untimely passing and that we extend to the members of her family our deepest sympathy, and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of today's journal, a copy be mailed to members of the deceased's family, and that when the Senate adjourns today it do so in memory of this beloved woman.

Greer, Beck, Berkeley, Cousins, Cunningham, DeBerry, Gainer, Hardin, Holbrook Hopkins, Hornsby, Loy, Martin, Moore, Neal, Oneal Parr, Parrish, Patton, Poage, Pollard, Purl, Rawlings, Russek, Small, Stevenson, Thomason, Williamson, Woodruff, Woodul, Woodward.

Read and adopted unanimously by a rising vote.

In Memory
of
Dr. J. M. Cantwell

Simple Resolution No. 99.

Senator Oneal sent up the following resolution:

WHEREAS, on April 2nd, there passed from the walks of this life Dr. J. W. Cantwell of Wichita Falls, Texas, one of the outstanding educators of the Southwest; and,

WHEREAS, Dr. Cantwell signally served the cause of education and his country as Superintendent of the City Schools of Fort Worth, Wichita Falls and other cities, as the President of Southwestern Academy at Magnolia, Arkansas, and as President of the A. & M. College of Oklahoma; as President of the State Teachers Association of Texas; and as a member of the State Council of Defense of Texas during the World War;

THEREFORE, BE IT RESOLVED by the Senate of Texas that: We, the members of the Senate, express our deep regret and sincere sympathy to the members of the family of Dr. Cantwell; and that we realize that in his death the whole State of Texas has sustained an irreparable loss.

BE IT FURTHER RESOLVED that this resolution be spread upon a page of the Senate Journal set aside for that purpose, and that a copy of this resolution be sent by the secretary of the Senate to the members of the family and to the press.

ONEAL,
HORNSBY,
RAWLINGS.

Read and adopted unanimously.